

NOT FOR PUBLICATION

(Doc. No. 205)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SCIELE PHARMA INC.,
(N/K/A SHIONOGI PHARMA INC.),
ANDRX CORPORATION,
ANDRX PHARMACEUTICALS, INC.
(N/K/A WATSON LABORATORIES,
INC., FLORIDA),
ANDRX PHARMACEUTICALS, L.L.C.,
ANDRX LABORATORIES (NJ), INC.
ANDRX EU LTD.,
and ANDRX LABS, L.L.C.,

Plaintiffs,

v.

LUPIN LTD.,
and LUPIN PHARMACEUTICALS, INC.,

and MYLAN INC.,
and MYLAN PHARMACEUTICALS, INC.

Defendants.

Civil No. 09-0037 (RBK/JS)

THIS MATTER having come before the Court upon the motion of Shionogi Pharma Inc. (“Plaintiff”) for preliminary injunction to prohibit Lupin Ltd. (“Defendant”) from further importation and sales of its generic version of Plaintiff’s Fortamet® drug, and for a recall of Defendant’s product already in the market, and the Court having considered the moving papers and responses thereto, expert declarations, exhibits, and arguments of counsel on December 2, 2011; and for the reasons expressed in the Opinion issued this date;

IT IS HEREBY ORDERED that Plaintiff’s motion for preliminary injunction is **GRANTED**, and Defendant Lupin Ltd. and its officers, servants, employees, and agents are

prohibited and restrained from importing into the United States and/or selling their generic version of Plaintiff's Fortamet® drug. Plaintiff's motion for recall is **DENIED**. Pursuant to Federal Rule of Civil Procedure 65(c), security is to be posted with the Clerk of Court by Plaintiff in the amount of \$15,000,000 on or before the close of business on **December 13, 2011**.

Dated: 12/6/2011

/s/ Robert B. Kugler
ROBERT B. KUGLER
United States District Judge